

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Robert Lee Green, #162479,) C/A NO. 0:09-273-CMC-PJG
)
)
Plaintiff,)
)
 OPINION and ORDER
v.)
)
Mrs. Delores Johnson, RN, Nurse, Lee CI;)
Ms. Melordy Brady, LPN, Nurse, Lee CI;)
Mrs. Y. McDonald, RN Director of)
Nursing, Lee CI; Ms. Lauri Miller,)
Inst. Grievance Coordinator - Lee CI;)
)
Defendants.¹)
)

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Paige Jones Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On June 30, 2010, the Magistrate Judge issued a Report recommending that Plaintiff's pending motion for summary judgment be denied, that Plaintiff's other pending motions be terminated, and that Defendants' motion for summary judgment be granted and this matter dismissed with prejudice. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he

¹This court previously dismissed Defendant Sgt. Mr. J. Williams, A/1 Sergeant - Lee CI from this action. Order (Dkt. # 10, filed Mar. 11, 2009). Defendant Stahl was dismissed from this action due to his death. See Stipulation of Dismissal (Dkt. # 54, filed Sept. 3, 2009).

failed to do so. Plaintiff has filed no objections and the time for doing so has expired.²

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

Plaintiff's motion for summary judgment (Dkt. # 73, filed Nov. 3, 2009) is **denied**. Defendants' motion for summary judgment (Dkt. # 60, filed Oct. 5, 2009) is **granted** and this matter is dismissed with prejudice. All other pending motions are denied as moot.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
Cameron McGowan Currie
United States District Judge

Columbia, South Carolina
August 11, 2010

²Plaintiff filed a change of address with the Clerk of Court on May 27, 2010, providing an address where he was to reside after his anticipated release date of June 1, 2010. The Clerk mailed a copy of the Report to that address.